

109TH CONGRESS  
1ST SESSION

# S. 942

To designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

APRIL 28, 2005

Mr. WARNER introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To designate additional National Forest System lands in the State of Virginia as wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Virginia Ridge and  
5       Valley Act of 2005”.

1 **SEC. 2. DESIGNATION OF ADDITIONAL NATIONAL FOREST**  
2 **SYSTEM LANDS AS WILDERNESS IN VIRGINIA.**

3 Section 1 of the Act entitled “An Act to designate  
4 certain National Forest System lands in the States of Vir-  
5 ginia and West Virginia as wilderness areas”, approved  
6 June 7, 1988 (Public Law 100–326; 16 U.S.C. 1132  
7 note), as amended by Public Law 106–471 (114 Stat.  
8 2057), is further amended—

9 (1) by striking “and” at the end of paragraph  
10 (7);

11 (2) by striking the period at the end of para-  
12 graph (8) and inserting a semicolon; and

13 (3) by adding at the end the following new  
14 paragraphs:

15 “(9) certain lands in the Jefferson National  
16 Forest, which comprise approximately 3,769 acres,  
17 as generally depicted on a map entitled ‘Brush  
18 Mountain and Brush Mountain East’, dated March  
19 23, 2005, and which shall be known as the Brush  
20 Mountain East Wilderness;

21 “(10) certain lands in the Jefferson National  
22 Forest, which comprise approximately 4,794 acres,  
23 as generally depicted on a map entitled ‘Brush  
24 Mountain and Brush Mountain East’, dated March  
25 23, 2005, and which shall be known as the Brush  
26 Mountain Wilderness;

1           “(11) certain lands in the Jefferson National  
2       Forest, which comprise approximately 4,223 acres,  
3       as generally depicted on a map entitled ‘Seng Moun-  
4       tain and Raccoon Branch’, dated March 23, 2005,  
5       and which shall be known as the Raccoon Branch  
6       Wilderness;

7           “(12) certain lands in the Jefferson National  
8       Forest, which comprise approximately 3,270 acres,  
9       as generally depicted on a map entitled ‘Stone  
10      Mountain’, dated March 23, 2005, and which shall  
11      be known as the Stone Mountain Wilderness;

12          “(13) certain lands in the Jefferson National  
13      Forest, which comprise approximately 8,470 acres,  
14      as generally depicted on a map entitled ‘Hunting  
15      Camp Creek and Garden Mountain’, dated March  
16      23, 2005, and which shall be known as the Hunting  
17      Camp Creek Wilderness;

18          “(14) certain lands in the Jefferson National  
19      Forest, which comprise approximately 3,291 acres,  
20      as generally depicted on a map entitled ‘Hunting  
21      Camp Creek and Garden Mountain’, dated March  
22      23, 2005, and which shall be known as the Garden  
23      Mountain Wilderness;

24          “(15) certain lands in the Jefferson National  
25      Forest, which comprise approximately 3,226 acres,

1 as generally depicted on a map entitled ‘Lynn Camp  
2 Creek’, dated March 23, 2005, and which shall be  
3 known as the Lynn Camp Creek Wilderness;

4 “(16) certain lands in the Jefferson National  
5 Forest, which comprise approximately 5,476 acres,  
6 as generally depicted on a map entitled ‘Mountain  
7 Lake Additions’, dated March 23, 2005, and which  
8 are hereby incorporated in the Mountain Lake Wil-  
9 derness;

10 “(17) certain lands in the Jefferson National  
11 Forest, which comprise approximately 308 acres, as  
12 generally depicted on a map entitled ‘Lewis Fork  
13 Addition and Little Wilson Creek Additions’, dated  
14 March 23, 2005, and which are hereby incorporated  
15 in the Lewis Fork Wilderness;

16 “(18) certain lands in the Jefferson National  
17 Forest, which comprise approximately 1,845 acres,  
18 as generally depicted on a map entitled ‘Lewis Fork  
19 Addition and Little Wilson Creek Additions’, dated  
20 March 23, 2005, and which are hereby incorporated  
21 in the Little Wilson Creek Wilderness;

22 “(19) certain lands in the Jefferson National  
23 Forest, which comprise approximately 2,456 acres,  
24 as generally depicted on a map entitled ‘Shawvers  
25 Run Additions’, dated March 23, 2005, and which

1 are hereby incorporated in the Shawvers Run Wil-  
 2 derness;

3 “(20) certain lands in the Jefferson National  
 4 Forest, which comprise approximately 1,203 acres,  
 5 as generally depicted on a map entitled ‘Peters  
 6 Mountain Addition’, dated March 23, 2005, and  
 7 which are hereby incorporated in the Peters Moun-  
 8 tain Wilderness; and

9 “(21) certain lands in the Jefferson National  
 10 Forest, which comprise approximately 612 acres, as  
 11 generally depicted on a map entitled ‘Kimberling  
 12 Creek Additions’, dated March 23, 2005, and which  
 13 are hereby incorporated in the Kimberling Creek  
 14 Wilderness;”.

15 **SEC. 3. SENG MOUNTAIN AND BEAR CREEK SCENIC AREAS,**

16 **JEFFERSON NATIONAL FOREST, VIRGINIA.**

17 (a) ESTABLISHMENT OF SCENIC AREAS.—

18 (1) ESTABLISHMENT.—The following National  
 19 Forest System lands in the State of Virginia are  
 20 hereby designated as National Scenic Areas (in this  
 21 section referred to as the “scenic areas”):

22 (A) Certain lands in the Jefferson Na-  
 23 tional Forest, which comprise approximately  
 24 6,455 acres, as generally depicted on a map en-  
 25 titled “Seng Mountain and Raccoon Branch”,

1           dated March 23, 2005, and which shall be  
2           known as the Seng Mountain National Scenic  
3           Area.

4           (B) Certain lands in the Jefferson Na-  
5           tional Forest, which comprise approximately  
6           5,503 acres, as generally depicted on a map en-  
7           titled “Bear Creek” dated March 23, 2005, and  
8           which shall be known as the Bear Creek Na-  
9           tional Scenic Area.

10          (2) MAPS AND DESCRIPTIONS.—As soon as  
11          practicable after the date of the enactment of this  
12          Act, the Secretary of Agriculture shall file a map  
13          and boundary description of the scenic areas with  
14          the Committee on Agriculture, Nutrition, and For-  
15          estry of the Senate and the Committee on Agri-  
16          culture and the Committee on Resources of the  
17          House of Representatives. The map and description  
18          shall have the same force and effect as if included  
19          in this Act, except that the Secretary may correct  
20          clerical and typographical errors in the map and de-  
21          scription. The map and boundary description shall  
22          be on file and available for public inspection in the  
23          Office of the Chief of the Forest Service, Depart-  
24          ment of Agriculture. In the case of any discrepancy  
25          between the acreage specified in paragraph (1) and

1 the map filed under this paragraph, the map shall  
2 control.

3 (b) PURPOSES OF SCENIC AREAS.—The scenic areas  
4 are established for the purposes of—

5 (1) ensuring the protection and preservation of  
6 scenic quality, water quality, natural characteristics,  
7 and water resources;

8 (2) protecting wildlife and fish habitat, con-  
9 sistent with paragraph (1);

10 (3) protecting areas that may develop charac-  
11 teristics of old-growth forests; and

12 (4) providing a variety of recreation opportuni-  
13 ties, consistent with the preceding paragraphs.

14 (c) ADMINISTRATION.—

15 (1) IN GENERAL.—The Secretary of Agriculture  
16 shall administer the scenic areas in accordance with  
17 this section and the laws and regulations generally  
18 applicable to the National Forest System. In the  
19 event of conflict between this section and other laws  
20 and regulations, this section shall take precedence.

21 (2) CONSISTENT USE.—The Secretary shall  
22 only allow such uses of the scenic areas as the Sec-  
23 retary finds will further the purposes for which the  
24 scenic areas are established.

1       (d) MANAGEMENT PLAN.—Within two years after the  
2 date of the enactment of this Act, the Secretary of Agri-  
3 culture shall develop a management plan for the scenic  
4 areas consistent with this section. The management plan  
5 shall be developed as an amendment to the land and re-  
6 source management plan for the Jefferson National For-  
7 est, except that nothing in this section requires the Sec-  
8 retary to revise the land and resource management plan  
9 for the Jefferson National Forest pursuant to section 6  
10 of the Forest and Rangeland Renewable Resources Plan-  
11 ning Act of 1974 (16 U.S.C. 1604).

12       (e) ROADS.—After the date of the enactment of this  
13 Act, no roads shall be established or constructed within  
14 the scenic areas, except that this prohibition shall not be  
15 construed to deny access to private lands or interests  
16 therein in the scenic areas.

17       (f) VEGETATION MANAGEMENT.—No timber harvest  
18 shall be allowed within the scenic areas, except as the Sec-  
19 retary of Agriculture finds necessary in the control of fire,  
20 insects, and diseases and to provide for public safety and  
21 trail access. Notwithstanding the preceding sentence, the  
22 Secretary may engage in vegetation manipulation prac-  
23 tices for maintenance of existing wildlife clearings and vis-  
24 ual quality. Firewood may be harvested for personal use



1 along perimeter roads under such conditions as the Sec-  
2 retary may impose.

3 (g) **MOTORIZED TRAVEL.**—Motorized travel shall not  
4 be permitted within the scenic areas, except that the Sec-  
5 retary of Agriculture may authorize motorized travel with-  
6 in the scenic areas—

7 (1) as necessary for administrative use in fur-  
8 therance of the purposes of this section;

9 (2) in support of wildlife management projects  
10 in existence as of the date of the enactment of this  
11 Act; and

12 (3) on Forest Development Road 9410 and 84b  
13 during deer and bear hunting seasons.

14 (h) **FIRE.**—Wildfires in the scenic area shall be sup-  
15 pressed in a manner consistent with the purposes of this  
16 section, using such means as the Secretary of Agriculture  
17 considers appropriate.

18 (i) **INSECTS AND DISEASE.**—Insect and disease out-  
19 breaks may be controlled in the scenic areas to maintain  
20 scenic quality, prevent tree mortality, reduce hazards to  
21 visitors, or protect private lands.

22 (j) **WATER.**—The Secretary of Agriculture shall ad-  
23 minister the scenic areas so as to maintain and enhance  
24 water quality.

1 (k) MINING WITHDRAWAL.—Subject to valid existing  
2 rights, all federally owned lands in the scenic areas are  
3 withdrawn from location, entry, and patent under the min-  
4 ing laws of the United States and from leasing claims  
5 under the mineral and geothermal leasing laws of the  
6 United States, including amendments to such laws.

7 **SEC. 4. TRAIL PLAN AND DEVELOPMENT.**

8 (a) TRAIL PLAN.—The Secretary of Agriculture shall  
9 establish, in consultation with interested parties, a trail  
10 plan for National Forest System lands described in this  
11 paragraph in order to develop the following:

12 (1) Hiking and equestrian trails within the wil-  
13 derness areas designated by the amendments made  
14 by section 2, in a manner consistent with the Wil-  
15 derness Act (16 U.S.C. 1131 et seq.).

16 (2) Nonmotorized recreation trails within the  
17 scenic areas designated by section 3.

18 (b) IMPLEMENTATION REPORT.—Within two years  
19 after the date of the enactment of this Act, the Secretary  
20 of Agriculture shall submit to Congress a report on the  
21 implementation of the trail plan, including the identifica-  
22 tion of priority trails for development.

23 (c) TRAIL AUTHORIZATION.—The Secretary of Agri-  
24 culture is authorized to develop trails to provide a contin-  
25 uous connection for nonmotorized travel between County

1 Route 650 and Forest Development Road 4018 along the  
2 old Rye Valley Railroad Grade in Smyth County, Virginia,  
3 as recorded on the map entitled “Seng Mountain and Rac-  
4 coon Branch” and dated March 23, 2005.

